COMMENTS ON CHAPTER 1
FROM THE ENVIRONMENTAL CAUCUS
February 20, 2004

As an overall comment on the Findings and Recommendations sections, we find that many of them express too many ideas or thoughts; we recommend that they all be re-edited to assure that each numbered or lettered paragraph contains a single key message.

The following are changes that we suggest for the Findings and Recommendations section. Our suggested changes are shown in the bold italics below.

1. New Finding on Water Quality:

> ***Agricultural drainage and urban runoff are two of the largest contributors of human-induced contamination of surface and groundwater in California. In many regions where water has been used intensively this pollution threatens ecosystem and human health. Drinking water can be treated for known pollutants, but treatment can be expensive. Our ability to effectively target and correct pollution problems through source control and pollution prevention is impeded by inadequate information regarding sources; limited understanding of combined effects of contaminants and best strategies for addressing multiple contaminants; and fragmented, poorly funded institutional management for water quality***.

2. New Recommendation on Water Quality:

> ***To safeguard water quality for all beneficial uses, the state should adopt a preventive strategy which integrates improvements in pollution prevention, water quality matching, and, for drinking water, treatment and distribution. Investments for drinking water should follow an approach that considers the best investments to achieve "an equivalent level of health protection." The precautionary principle should be applied to use and disposal of materials that, even if unregulated, have potential to enter and contaminate water. The State should support, through adequate funding and program integration, work on water quality Basin Plans for incorporation into the California Water Plan (pursuant to Section 13141 of the Water Code).***

3. New Recommendation on Economics"

> ***The state should thoroughly explore and evaluate a range of water pricing strategies (i.e., marginal cost pricing) and incentives to determine their effect (i.e., cost signals) on demand and potential to promote more efficient water use***.

4. New Key Finding on the Public Trust:

> ***All water in California is owned by the people of the state. Rights to the use of water are subject to the State's perpetual stewardship obligations as trustee for the people, and to the Constitutional prohibition of wasteful or unreasonable use. Actions***

undertaken to serve a growing population through increasingly complex water management arrangements are most likely to prove politically and legally sustainable if planners, the public, and decision makers fully consider the economic, environmental, and "equity" public trust implications of proposed projects.

5. New Key Recommendation on the Public Trust:

The State should exercise continuous supervision over its navigable waters, the lands beneath them, and the flows of their tributary streams to protect the public's rights to commerce, navigation, fisheries, recreation, ecological preservation, and related beneficial uses. Public agencies should give explicit consideration to public trust values in the planning and allocation of water resources and at public hearings on matters impacting these resources, and protect public trust uses whenever feasible.

6. Under Consequences of Inaction or Delayed Implementation on Page 13, the second paragraph might be changed as follows to recognize the other top industries in the state:

These challenges and risks will continue and worsen with State, federal government and local agency and government inaction or delayed realization of the Water Plan. Unless action is taken, groundwater overdraft will worsen, aquatic ecosystems will be further stressed, California's economy ***with its varied industries, including agriculture, high tech, entertainment, and tourism*** will suffer, and the current collaboration among stakeholders will erode. Collaboration between local, regional, State and federal planners is an essential ingredient for regional integrated resource planning to succeed.

7. Under Additional Recommended Actions, the first recommendation reads as follows:

"As soon as practicable, a Governor's Strategic Water Team is established to strengthen communication, coordination and cooperation among State departments dealing with water, and to ensure that their strategic planning and implementation are consistent with the Governor's water policies."

It is not clear that there exists a "Governor's Strategic Water Team" or if this is a recommendation; this needs to be clarified. It is also not clear that there are any defined "Governor's water policies."

8. In order to support Key Recommendation #7 on environmental justice, the following Key Finding should be added:

The State continues to face issues of the equitable distribution of clean water and the need to insure that all people, particularly from disadvantaged and under-represented communities, both receive clean water in adequate supply and that they have opportunities to participate in the decision-making processes on water allocation and other water policies which sometimes result in these communities bearing a disproportionate share of negative health and environmental impacts.

9. Since population growth is one of the key drivers for the State Water Plan, Additional Finding #1 about population growth should be moved up – without change – to be a part of Key Finding #1. It could be moved in as Key Finding #1b, as follows:

Key Findings

1. California is shaped by its richly diverse people, environments, businesses, land uses, climates, and also by its variable hydrology. Sustainable water management in California requires full consideration of the diverse uses of water and the variable nature of its temporal and geographic distribution. With its current population and water use patterns, California has sufficient resources to meet most water management objectives in most years. Water management challenges persist on local and regional scales and are pronounced in years of extreme hydrology.

a. Urban areas use about the same amount of water today as they did in the mid-1990's, accommodating a population growth of over 3.5 million largely through increased water use efficiency and recycling.

b. ***California's population has increased by about 6 million people since the drought of 1987-1992. The current population of over 36 million is projected to increase by another 17 million people to 53 million by year 2030.*** Note: perhaps the significance of describing population increase "since the drought of 1987-1992" should be explained.

c. Most agricultural demands are met in average water years and improvements in agricultural productivity and efficiency over the past 25 years have increased crop production per acre-foot of water by 50 percent.

10. The following is a repeat of a previous suggestion for improvement to Key Finding #4:

This Water Plan Update features an Implementation and Investment Guide with 25 different management strategies that will provide local, regional and statewide planners a diverse set of investment choices for both the near term (next 10 years) and the long term (to 2030). ***In recognition of the constraints on developing future water supplies and the foreseeable future budget constraints at both the state and federal level, actions that conserve existing water supplies or reduce future water demands are becoming increasingly more important to the water management plans at both the state and regional levels and are shown as actions in The Guide.*** The Guide is summarized in the table below and described in Chapter 6.

11. The following is a repeat of a previous suggestion for improvement to Key Recommendation #1:

Make the needed local State and federal investments in the actions outlined in the Implementation and Investment Guide to meet 2030 water management needs. These actions ***include significant water conservation and demand reduction actions and*** are

consistent with and inclusive of actions included in the California Bay-Delta Program Record of Decision as implemented by the California Bay-Delta Authority, and the recommendations of the Water Desalination Task Force, the State Recycling Task Force, the Stormwater Quality Task Force, the Floodplain *Management Task Force, and California's Groundwater (DWR Bulletin 118-03).*

12. Key Finding 1C should be rewritten as follows:

    More water has been dedicated for restoring impacted ecosystems, however some requirements have not been met, ecosystem needs are not fully known, and restoration of threatened and endangered species will likely require additional changes to flows on regulated rivers

13. Key Finding #3 should be reworded as follows:

    A number of plausible future scenarios were considered for this Water Plan Update and will be quantified for the next five-year Update in 2008. For consideration now, initial estimates were made of water conditions in 2030 under a "Current Trends Continued" scenario. Under this scenario, to serve 17 million more Californians, sustain California's economy and agricultural industry, meet environmental ***restoration*** objectives, and eliminate groundwater overdraft, California's additional water needs could be between 3.5 million and 6 million acre-feet greater than under today's average water year conditions.

    We believe that droughts and multiple year droughts are overemphasized in the Findings; they appear in Key Findings # 1, 2, and 3 and in Additional Finding #1. Therefore, we suggest you eliminate the last sentence of this Key Finding which states: "***Moreover, the potential for conflicts among water uses could be further elevated during multiyear droughts, when California's water resources will be further stretched to provide reliable supplies, protect water quality, and meet the needs of the environment***." Additionally, it is not a scenario, but is currently an evaluation criteria.

14. Key Finding #4e states the assumption that the investment would be allocated approximately in thirds to local, state and federal governments. Additional Finding #8 states that most funding… are within local and regional agencies. This is inconsistent, and assumption of splitting the costs three ways needs to be eliminated or explained.

15. What is the evidence that supports Key Finding #6 that our economy, environment and quality of life will decline unless we "invest significantly?" This along with many other wording choices makes our situation sound more dire than we can justify with the data we have. The first Key Finding points out that our economy has grown and agriculture has been sustained without much "new" water. These apparent contradictions need to be resolved unless you can show data that clearly support a finding.

16. Additional Finding #1 measures population growth since the drought. Why is this a useful timeframe? See the Note under #9 above.

17. Additional Finding 3 implies in the fourth sentence that water in California is dedicated to specific purposes, which is not correct. The last sentence should be changed to read something like: " ***In some areas, water that has been used for agricultural purposes has been transferred to urban areas, environmental restoration, and groundwater replenishment.***"

18. Additional Finding #7 is significant and should be moved to the Key Findings section, in keeping with the importance of the environmental justice subject.

19. Key Recommendation #1 states: "Make the needed local State and federal investments in the actions outlined in the Implementation and Investment Guide to meet 2030 water management needs." While we strongly support the need and role for the Implementation and Investment Guide, there are no priorities and no specific projects or regions shown for implementation. Chapter 1 leads the reader to conclude that there are specific actions, costs and measurable indicators, but they are not included in the plan. Perhaps Chapter 6 is the place to resolve this anomaly.

20. The second half of Key Recommendation #1 states that there is consistency with a list of other documents. Is it really correct that all of the recommendations made in the Water Plan are consistent and inclusive with all of the recommendations in these other plans?

21. Additional Recommendation #4 about the need for more data and analysis is key to the current and future State Water Plans. This should be moved to Key Recommended Actions and enhanced to be more specific about what data needs exist.

22. There needs to be a key finding related to the state's obligation to restore native species and habitats.